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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,717	01/25/2002	Zine-Eddine Boutaghou	S01.12-0835/STL 10107	3566

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EXAMINER

PAIK, STEVE S

ART UNIT PAPER NUMBER

2876

DATE MAILED: 03/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/056,717

Applicant(s)

BOUTAGHOU ET AL.

Examiner

Steven S. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 November 2003.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-28 is/are pending in the application.  
4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-13 and 18-28 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 25 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Amendment*

1. Receipt is acknowledged of the Amendment filed November 24, 2003. The Amendment includes amended claims 1-3, 6-13, 18, 21, and 23 and a newly added claim 28.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-13 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Bajorek (US 6,482,330).

Re claim 1, Bajorek discloses a data storage device and method of making the device (col. 1, ll. 6-8) comprising:

a card (a plastic card 10 in Fig. 1B) formed of a non-conductive material; and

a magnetic strip (26 in Fig. 4) including a substrate layer (underlayer 32) and a magnetizable layer (magnetic layer 34) encodable to store digital information (Abstract and col. 1, ll. 9-16) and the magnetic strip and the card including a surface including textured interface (col. 3, ll. 5-17 and col. 5, ll. 19-36) between the card and the magnetic strip having a plurality of spaced bumps (col. 5, ll. 37-41) on a relatively smooth surface.

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Re claim 2, Bajorek discloses the data storage device as recited in rejected claim 1 stated above, wherein the textured interface layer includes a surface texture including a plurality of spaced bumps on the magnetic strip (col. 5, ll. 19-36 and Fig. 4).

Re claim 3, Bajorek discloses the data storage device as recited in rejected claim 1 stated above, wherein the magnetic strip (26) includes a protective layer (36) covering the magnetizable layer (magnetic layer 34) and the protective layer is textured to form the textured interface (col. 5, ll. 19-36 and Fig. 4).

Re claim 4, Bajorek discloses the data storage device as recited in rejected claim 3 stated above, wherein the protective layer is formed of a diamond-like carbon (col. 4, ll. 8-17).

Re claim 5, Bajorek discloses the data storage device as recited in rejected claim 1 stated above, wherein the substrate layer is formed of a material selected from the group consisting of aluminum, glass or plastic (The glass strip 26 comprises three layers which are underlayer, magnetic layer and protective layer. Bajorek discloses examples of materials that can be used as a magnetic strip in column 5, lines 11-16).

Re claim 6, Bajorek discloses the data storage device as recited in rejected claim 1 stated above, wherein the textured interface is laser formed (col. 3, ll. 23-37 and col. 5, ll. 33-41).

Re claims 7 and 8, Bajorek discloses the data storage device as recited in rejected claim 1 stated above, wherein the plurality of spaced bumps (col. 5, ll. 37-41) have a substantially uniform size and relatively uniformly spaced (the sputtering and mechanically forming linear texture process produce the bumps of uniformly in size and space).

Re claim 9, Bajorek discloses the data storage device as recited in rejected claim 1 stated above, wherein the magnetic strip (26) includes a magnetically active surface (magnetic layer 34

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of 26 in Fig. 4) and the magnetically active surface includes textured portion including the plurality of spaced bumps (col. 5, ll. 19-36; Fig. 4).

Re claims 10 and 11, Bajorek discloses a data storage device (col. 1, ll. 6-8) comprising:  
a card (a plastic card 10 in Fig. 1B) formed of a non-conductive material including a magnetic strip (26 in Fig. 4); and

a textured interface between the card and the magnetic strip (col. 3, ll. 5-17).

Re claims 12, 13, and 28, Bajorek discloses the data storage device as recited in rejected claims 10 and 18 stated above, wherein the magnetic strip (26) which is affixed on a surface of the card (10) includes a textured protective layer (36) surface including a plurality of bumps (Fig. 4) to form the textured between the magnetic strip and the card (col. 3, ll. 5-17; col. 4, ll. 23-34 and col. 5, ll. 19-41) and the textured interface is laser formed (col. 3, ll. 23-37 and col. 5, ll. 33-41).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 18-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bajorek (US 6,482,330) in view of Metzger (US 5,206,494).

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Re claims 18-27, Bajorek discloses a data storage card (10) and a method of storing magnetic data on a magnetic strip (26) having laser formed textured surface portion including a plurality of spaced bumps.

Bajorek, however, is silent about an active surface slidable along the card body surface of the card.

Metzger discloses a data card (C) such as an identity card, a value card, a credit card, etc. The data card comprises, among other things, a movable (slide member 50) and anon-movable part (col. 2, ll. 6-11). The slide member includes a magnetic strip (56 on the slide member 50) including a magnetically encodable layer (the magnetic strip bears another portion of an identification code) and a textured surface portion along the magnetic strip (col. 2, ll. 62-67). The magnetic strip (56) is on a data card (C and see Figs. 1-4). The slidable magnetic strip containing another portion of an identification code for the purpose of improving security of the card usage.

Therefore, it would have been obvious to a person having ordinary skill in the art at the time of the invention was made to incorporate the separate slidable strip of Metzger for the purpose of increasing authenticity of a data storage card holder and protecting data stored in the magnetic strip of the data storage card.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-13 and 18-27 have been considered but are moot in view of the new ground(s) of rejection. A newly found reference, Metzger (US 5,206,494) discloses a data storage card comprising a non-movable part and a movable (slidable) movable part. Both parts include a magnetically encoded code on a separate magnetic strip to

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enhance the authenticity of a cardholder. A previously cited prior art, Bajorek (US 6,482,330) in view of Metzger (US 5,206,494) discloses, teaches or suggests the claimed invention.

Accordingly, claims 1-13, 18-27 and a newly added claim 28 are rejected under 35 U.S.C. § 102(e) or 103(a).

### ***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

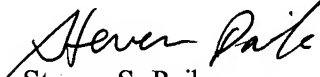
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven S. Paik whose telephone number is 571-272-2404. The examiner can normally be reached on Mon - Fri (5:30am-2:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone numbers for the

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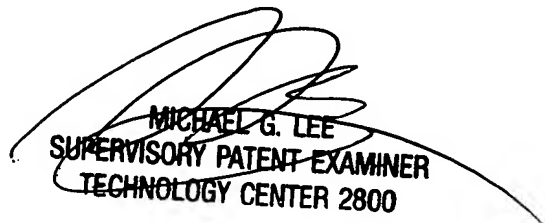
organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0530.



Steven S. Paik  
Examiner  
Art Unit 2876

ssp  
February 9, 2004



MICHAEL G. LEE  
SUPERVISORY PATENT EXAMINER  
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